

1 RICHARD MARMARO (Bar No. 91387)  
[rmarmaro@skadden.com](mailto:rmarmaro@skadden.com)  
2 JACK DICANIO (Bar No. 138782)  
[jdicanio@skadden.com](mailto:jdicanio@skadden.com)  
3 GARRETT J. WALTZER (Bar No. 130764)  
[gwaltzer@skadden.com](mailto:gwaltzer@skadden.com)  
4 THOMAS V. CHRISTOPHER (Bar No. 185928)  
[tchristo@skadden.com](mailto:tchristo@skadden.com)  
5  
SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP  
6 525 University Avenue, Suite 1100  
Palo Alto, California 94301  
7 Tel: (650) 470-4500  
Fax: (650) 470-4570  
8  
9

## UNITED STATES DISTRICT COURT

10

FOR THE NORTHERN DISTRICT OF CALIFORNIA  
11  
12 SAN FRANCISCO DIVISION

13

14 SECURITIES AND EXCHANGE COMMISSION, ) Civil Action No. C-06-04435 CRB  
15 )  
16 Plaintiff, ) **STIPULATION AND [PROPOSED]**  
vs. ) **ORDER SETTING BRIEFING AND**  
17 ) **HEARING SCHEDULE FOR SEC'S**  
GREGORY L. REYES, ANTONIO CANOVA, and ) **MOTION FOR SUMMARY**  
18 ) **JUDGMENT AND DEFENDANT'S**  
STEPHANIE JENSEN, ) **MOTION UNDER FEDERAL RULE**  
19 ) **OF CIVIL PROCEDURE 56(f)**  
Defendants. )  
20 ) Date: N/A  
) Time: N/A  
) Judge: Hon. Charles R. Breyer  
) Courtroom: Courtroom 8, 19<sup>th</sup> Floor

21

SECURITIES AND EXCHANGE COMMISSION, ) Civil Action No. C-07-04223 CRB

22

Plaintiff, )  
vs. )  
23 )  
MICHAEL J. BYRD, )  
24 )  
Defendant. )  
25 )  
26 )  
27 )

---

28 STIPULATION AND [PROPOSED] ORDER SETTING BRIEFING AND HEARING SCHEDULE FOR SEC'S MOTION FOR  
SUMMARY JUDGMENT AND REYES AND JENSEN'S RULE 56(f) MOTION; NO. C 06-04435 CRB

## **STIPULATION**

2 Plaintiff in the above-captioned case, the Securities and Exchange Commission (the  
3 "Commission"), and defendants Gregory L. Reyes and Stephanie Jensen, by and through their  
4 respective counsel, hereby agree and stipulate as follows:

**5** WHEREAS the Commission filed a motion for summary judgment against defendants  
**6** Reyes and Jensen on Friday, May 9, 2008, with a noticed hearing date of June 20, 2008;

7           **WHEREAS** defendant Reyes has informed the Commission that he expects to file a motion  
8 under Federal Rule of Civil Procedure Rule 56(f) (the “Rule 56(f) Motion”) to continue the hearing  
9 on the SEC’s motion for summary judgment to enable additional discovery to be taken;

**WHEREAS** the Commission and defendants Reyes and Jensen have agreed upon a briefing schedule to accommodate any Rule 56(f) Motion and the Commission's motion for summary judgment;

**IT IS HEREBY STIPULATED THAT:**

- 14        1. Any Rule 56(f) Motion shall be filed by Wednesday, June 4, 2008;

15        2. The Commission shall file its opposition to any Rule 56(f) Motion by Friday, June

16 20, 2008; and

17        3. Any reply to the Commission's opposition to any Rule 56(f) Motion shall be filed

18 by Friday, June 27, 2008.

19        4. The hearing on any Rule 56(f) Motion will be on Friday, July 11, 2008 at 10:00

20 a.m.;

21        5. In the event that this Court denies the Rule 56(f) Motions, the Commission and the

22 Parties have agreed upon a briefing schedule to the Commission's motion for summary judgment

23 as follows:

24            (a) Any opposition to the Commission's motion for summary judgment shall be

25 filed by August 1, 2008;

26            (b) The Commission shall reply to any opposition to the Commission's motion

27 for summary judgment by Monday, August 11, 2008; and

## **IT IS SO STIPULATED.**

5 | May 27, 2008

# SECURITIES AND EXCHANGE COMMISSION

May 27, 2008

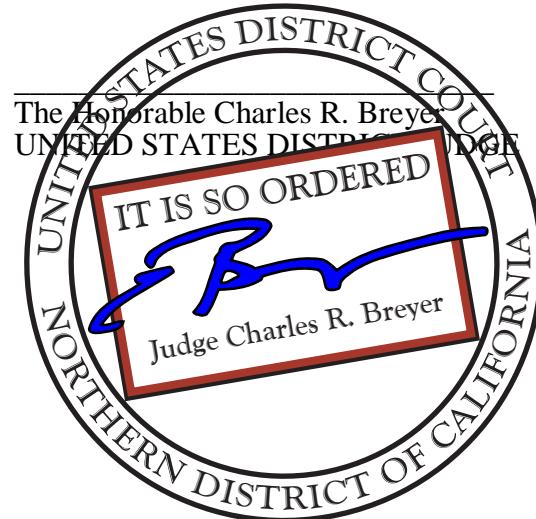
SKADDEN, ARPS, SLATE,  
MEAGHER & FLOM LLP

14 | May 27, 2008

16

Jail Nielsen Little  
Attorneys for Stephanie Jense

1 IT IS SO ORDERED.  
2  
3  
4 Dated: May 28, 2008  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



---

STIPULATION AND [PROPOSED] ORDER SETTING BRIEFING AND HEARING SCHEDULE FOR SEC'S MOTION FOR  
SUMMARY JUDGMENT AND REYES AND JENSEN'S RULE 56(f) MOTION; NO. C 06-04435 CRB

1 I, Garrett J. Waltzer, am the ECF User whose identification and password are  
2 being used to file the STIPULATION AND [PROPOSED] ORDER SETTING BRIEFING AND  
3 HEARING SCHEDULE FOR SEC'S MOTION FOR SUMMARY JUDGMENT AND  
4 DEFENDANT'S MOTION UNDER FEDERAL RULE OF CIVIL PROCEDURE 56(f). In  
5 compliance with General Order 45.X.B, I hereby attest that each of the counsel executing the  
6 Stipulation has concurred in this filing.

7 Dated: May 27, 2008

8 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

9  
10 By: \_\_\_\_\_ /s/ Garrett J. Waltzer  
Garrett J. Waltzer

11 Attorney for Gregory L. Reyes  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27